



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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To: Fabio Valentini, ASA, Chief, Criminal Prosecutions Bureau
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Patrick Driscoll, ASA, Chief, Civil Actions Bureau
Tisa Morris, ASA, Chief, Juvenile Justice Bureau
Brian Sexton, ASA, Chief, Narcotics Prosecution Bureau
All Supervisors, Criminal Prosecutions Bureau

From: Joe Magats, ASA, Deputy Chief, Criminal Prosecutions Bureau

Re: Giglio Material Regarding Park Forest Police Sgt. Steve Zanoni

Date: March 6, 2012

Cc: Shauna Boliker, First Assistant
Walt Hehner, Chief Deputy
Dan Kirk, Chief of Staff

On February 6, 2012 Judge Noreen V. Love, in the case of The People of the State of Illinois v. Stephen B. Lewis, Case No. 11CR-21047, made a specific finding that Forest Park Police Sgt. Steve Zanoni, Star No. 113, intentionally made a false statement in front of the grand jury while testifying in In re: People vs. Stephen B. Lewis, Grand Jury No. 358 of December 2011.

Pursuant to Brady v. Maryland, 373 US 83 (1963) the prosecution's disclosure of exculpatory information is part of the constitutional right to a fair trial. This duty of disclosure also includes evidence that may impeach the credibility of a prosecution witness. Giglio v. United States, 405 U.S. 150, 154 (1972).

In light of the existing case law, Judge Love's finding regarding Sgt. Zanonì is Giglio material as "impeachment of a witness can make the difference between acquittal and conviction...where credibility is the central issue in the case and the evidence presented at trial consists of opposing stories presented by the defendant and government agents." United States v. Kiszewski, 877 F.2d 210, 216 (2nd Cir. 1985).

I have attached a Notice of Disclosure, as well the transcript of Judge Love's findings that is to be filed with the court and tendered to the defense in all cases where Sgt. Zanonì is going to be called as witnesses. A copy of the transcript where Judge Love made her finding is attached to the Notice of Disclosure. I will also send an email to each of you with the Notice of Disclosure attached.

Please make sure that your assistants file and tender to the defense the Notice of Disclosure in all cases where Sgt. Zanonì will be called as a witnesses. Additionally the material should be filed and tendered in any case where Sgt. Zanonì has testified since February 6, 2012.

Also please remind your ASAs that the mere fact that this Giglio material is discoverable and has been tendered to the defense does not in and of itself mean that the defense can introduce the evidence at trial or cross-examine Sgt. Zanonì on the material. Your ASAs should, in the appropriate cases, file all necessary motions to preclude the use of the Giglio material at trial.

The case law in this area is, of course, set out in United States v. Brady, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). The timing of disclosure is governed by Weatherford v. Bursey, 429 U.S. 545 (1997). What needs to be disclosed is discussed in United States v. Agurs, 427 U.S. 97 (1976); United States v. Diaz, 922 F.2d (2nd Cir. 1990); United States v. Veras, 51 F.3d 1365 (7th Cir. 1995) and United States v. Kiszewski, 877 F.2d 210 (2nd Cir. 1989). Limiting the use of this type of information is discussed in People v. Driskell, 213 Ill.App.3d 196 (4th Dist. 1991) and People v. Fonza, 217 Ill.App.3d 883, 892 (1st Dist. 1991).

STATE OF ILLINOIS)

SS.

COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS

VS

Case No. _____

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NOTICE OF DISCLOSURE TO THE DEFENDANT

Now come the People of the State of Illinois by their attorney Anita Alvarez, State's Attorney of Cook County, Illinois, through her assistants / and / hereby disclose to the defendant as follows:

1. On February 6, 2012, Judge Noreen V. Love, in the case of The People of the State of Illinois v. Stephen B. Lewis, Indictment No. 11CR-21047 found that Forest Park Police Sgt. Steve Zaroni, Star No. 113, intentionally made a false statement in front of the grand jury while testifying in In re: People vs. Stephen B. Lewis, Grand Jury No. 358 of December 2011.

Respectfully submitted,

Anita Alvarez
State's Attorney of Cook County

By:

Assistant State's Attorney

Assistant State's Attorney